

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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APR 17 2001

In the Matter of)
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Petition by the United States Department of)
Transportation for Assignment of an)
Abbreviated Dialing Code (N11) to Access)
Intelligent Transportation Systems (ITS))
Services Nationwide)
)
Request by the Alliance of Information and)
Referral Systems, United Way of America,)
United Way 211 (Atlanta, Georgia), United)
Way of Connecticut, Florida Alliance of)
Information and Referral Services, Inc., and)
Texas I & R Network for Assignment of 211)
Dialing Code)
)
The Use of N11 Codes and Other)
Abbreviated Dialing Arrangements)
_____)

NSD-L-99-24 **FCC MAIL ROOM**

NSD-L-98-80

CC Docket No. 92-105

OPPOSITION OF THE CALIFORNIA ALLIANCE OF
INFORMATION AND REFERRAL SERVICES AND
INFO LINE OF LOS ANGELES TO PETITIONS FOR
RECONSIDERATION AND CLARIFICATION

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April 12, 2001

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**OPPOSITION OF THE CALIFORNIA ALLIANCE OF INFORMATION AND
REFERRAL SERVICES AND INFO LINE OF LOS ANGELES TO PETITIONS FOR
RECONSIDERATION AND CLARIFICATION**

Pursuant to 47 C.F.R. § 1.4(b)(1), the California Alliance of Information and Referral Services (“CAIRS”) and INFO LINE of Los Angeles (“INFO LINE”) submit this Opposition to Petitions for Reconsideration and Clarification filed in the above-captioned docket on March 12, 2001. CAIRS is the professional association of information and referral (I&R) service providers in California. INFO LINE is the comprehensive I&R agency that serves Los Angeles County. These organizations submit this Opposition to the Petitions for Reconsideration of the FCC’s

Third Report and Order¹ filed by The Cellular Telecommunications & Internet Association (“CTIA”), Nextel Communications (“Nextel”), Qwest International (“Qwest”), Sprint Spectrum or Sprint PCS (“Sprint”), and Verizon Wireless. This Opposition also addresses the Petition for Clarification filed by SBC Communications on March 12, 2001.

Petitioners, with the exception of SBC, express concerns regarding the implementation of 511 and 211 by wireless carriers, the impact of implementing these dialing codes on these carriers, and alleged violations of the Administrative Procedures Act by the Federal Communications Commission (“FCC”). This Opposition is limited in scope to 211 issues and does not address the due process arguments raised by Petitioners. CAIRS and INFO LINE understand that the National 211 Collaborative (the “211 Collaborative”) is addressing these arguments in its Opposition. CAIRS and INFO LINE support the position of the 211 Collaborative.

Specifically this Opposition addresses five basic points:

1. The implementation of 211 should move forward with all due speed and should not be delayed by wireless carriers' implementation concerns;
2. The current switching capabilities of wireless carriers should not dictate the delivery or configuration of 211 for landline calls. In particular, the proposal to assign a single 211 service provider per state is inadequate to address the needs in California and many other states and will not serve the public interest;
3. There are legitimate implementation issues that call for regulatory oversight. Most of these issues should be overseen by state commissions;
4. The cost of 211 service should be free to the calling party; and
5. The FCC should extend its five year review of 211 if these reconsideration petitions, other proceedings, or delays caused by regulatory oversight undercut the efforts of I&Rs to develop 211 systems within their respective states.

¹ See, *In the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket 92-105, *Third Report and Order on Reconsideration*, FCC 00-256 (“*Third Report and Order*”) (released July 31, 2000).

DISCUSSION

1. **Wireless' Concerns Should Not Delay Speedy Implementation of 211 Dialing**

In its *Third Report and Order*, the FCC recognized the important public benefits of making community I&R services easily accessible to citizens with urgent and critical needs:

We believe that the Information and Referral Petitioners have shown a public need exists for an easy to use, easy to remember N11 code to efficiently bring community information and referral services to those who need them, providing a national safety network for persons to get access readily to assistance. Therefore, we find that the public interest standard has been met here.²

The need for community information and referral service has grown steadily over the years as the population of California and other states continues to increase. In California, where health and human services may be provided by many separate entities with differing eligibility criteria, fee structures, language and access capabilities, the need for easy to access, credible and knowledgeable health and human services information is significant. 211 is that service. The 211 service population will include low-income and poverty-level families who need assistance to locate free or low-cost medical services or housing assistance, homeless individuals in need of shelter in inclement weather, welfare-to-work program participants seeking job training and employment opportunities. 211 will increase the accessibility of information and referral services to this population and improve the ability of all individuals and families to obtain and benefit from needed services. The FCC should not delay 211 implementation because of limited implementation problems raised by wireless carriers.

As evidenced in the Opposition submitted by the 211 Collaborative, implementation of 211 is moving forward across the country. 211 is already an operative health and human service

² *Id.* at ¶ 19.

in metropolitan Atlanta, Columbus, and Athens, Georgia; the State of Connecticut; Lafayette, Louisiana; and Knoxville, Tennessee. State public service commissions have approved 211 petitions in Alabama, Massachusetts, North Carolina, Ohio, and Utah. Efforts are also underway to implement 211 in California as well as South Dakota, Texas, and Wisconsin. Significant investments of time, money and energy have been made to move 211 implementation forward.

Reconsideration is not appropriate. In colloquial terms, the train has left the station. It is too late to call it back. The wireless carriers had an opportunity to comment on the original petition for 211, but chose not to. Reconsideration is not appropriate nor fair at this point. Instead, the parties should focus on collaborative efforts to implement the FCC's national assignment of 211 to I&R providers. The FCC should not permit wireless carriers to delay implementation of 211, especially for landline calls.

2. Current Wireless Capabilities Should Not Dictate the Delivery or Configuration of 211 for Landline Customers

The wireless Petitioners discuss the operational complexity and additional cost of delivering 211 calls to a geographic area that matches community or political boundaries. Verizon Wireless states that wireless carriers typically deploy an N11 code from each of their switches to one number within a market area.³ Market areas may cover several states as well as local communities of interest within these states. Verizon asserts that to transfer 211 calls at the community level wireless carriers would have to route N11 calls per cell site (instead of per switch), which would be "burdensome, time consuming and painfully complex to establish and maintain...."⁴ However, I&R agencies are separate organizations that operate under a variety of umbrellas. Most I&Rs are private non-profit organizations governed by Boards of Directors that

³ See, Petition of Verizon Wireless at p. 13.

⁴ *Id.* at p. 14.

represent local community interests. It is unlikely that these entities would all defer to one statewide provider for 211 services.

Verizon and Qwest recommend that “at most, assignment of 211 . . . should be a voluntary guideline for CMRS providers.”⁵ Verizon Wireless suggests that the FCC “allow CMRS carriers to determine how 211 . . . should be used to serve wireless consumers.”⁶ Nextel’s solution is that “there should be only one translation number for 211 in each state” for wireless carriers⁷, and Sprint represents that it “plans to route calls for each N11 code to the agency that will likely receive the most calls from its customers” within that switching area.⁸

None of these solutions would work well in California or in many other large states.

In a state the size of California, having all 211 calls routed to one number or call center would not make good sense. Community information and referral service is typically local in nature. I&R providers understand the area, resources, and needs of the communities being served. Given their local integration and orientation, I&R providers are highly responsive to community needs and have the capacity to provide appropriate referrals. This ability would be lost if 211 were delivered from one statewide center. In fact, I&Rs have traditionally operated countywide. For this reason, deployment of 211 at the county level, or in some cases multi-county level, is most appropriate for California. In California, the county is the political jurisdiction where most of the health, social, and human services are distributed and funded.

CAIRS AND INFO LINE realize that a county-based implementation of 211, while most appropriate in California, may not be the best solution for other states considering their unique

⁵ *Id.* at p. 26; *see also*, Petition of Qwest at p. 5.

⁶ *See*, Petition of Verizon Wireless at p. 4.

⁷ *See*, Petition of Nextel at p. 5.

⁸ *See*, Petition of Sprint PCS at p. 14.

characteristics. Likewise, a one-size-fits-all solution tailored to the needs of wireless carriers is inconsistent with the general public interest.

Moreover, CAIRS and INFO LINE reject Sprint PCS's suggestion that competitive carriers should oversee N11 implementation. Sprint should not decide which agency gets all 211 calls in each of its switching areas or how its customers should use 211. N11 numbers are a public resource and any assignment must satisfy the public interest. In a competitive telecommunications environment, it is inappropriate for a competitive carrier to assign N11 numbers or to decide who gets them. That role must be reserved for a legitimate, independent body authorized to perform regulatory oversight and to protect the public interest. This is particularly true for the assignment of 211 to community I&R providers services, since these services have traditionally been a free service to consumers provided by not-for-profit agencies. The FCC should not provide a signal to carriers that 211 I&R service is potentially a for-profit enterprise.

3. Local Implementation Issues Are Most Appropriately Handled At the State Commissions, While the FCC Decides Overarching Guidelines

Wireless petitioners raise a number of general implementation issues. These issues involve which entity should award 211 to an organization requesting the number, what qualifications or criteria should be considered in assigning 211, and how conflicting or mutually exclusive requests and other unanticipated implementation issues should be handled. As discussed above, it would not be appropriate to ask competitive telecommunications carriers to assume these duties.

Based on the FCC's past actions on numbering issues and the history of 211 itself, state commissions are the logical and appropriate bodies within states to oversee local implementation

of 211. In its *Third Report and Order*, the FCC clarified that “the states [will] be allowed to continue to make local assignments that do not conflict with our national assignments.”⁹ Furthermore, the Commission acknowledged the longstanding role performed by state commissions on numbering matters.¹⁰ The FCC explained: I&Rs “must work with carriers and appropriate state and local governments to implement 211.”¹¹ Indeed, the state commissions in Georgia and Connecticut played a crucial role in the history of 211 by granting the use of this number for community I&R services before the FCC made its formal assignment.

We urge the FCC to allow state commissions to continue to oversee 211 implementation in their respective jurisdictions. State commissions are best equipped to decide which I&R applicants should be assigned 211 in a given jurisdiction or locality. Additionally, state commissions are positioned to resolve conflicts and unanticipated implementation issues that the FCC may not have the resources to address.

Beyond affirming its *Third Report and Order*, the FCC would be well served to consider one additional overarching guideline to assist states with 211 implementation. This is the criteria or qualifications by which a 211 applicant should receive the number. The six criteria proposed by the 211 Collaborative offer sound general principles. A 211 applicant should be (1) a non-profit entity that can demonstrate its willingness and ability; (2) to provide the staff and financial capability and resources to implement 211; (3) to provide comprehensive I&R services; (4) to offer 211 free of charge to the calling party; (5) to adhere to I&R professional standards; and (6) to engage in a process of local collaboration among specialized and comprehensive I&R

⁹ See, *Third Report and Order* at ¶ 43.

¹⁰ *Id.* at ¶¶ 4 and 17 and fn. 48.

¹¹ See, FCC N11 Abbreviated Dialing Codes Third Report and Order and Order on Reconsideration Questions and Answers, released July 31, 2001.

providers, United Ways, state and local governments, telecommunications providers, as well as other N11 providers.

By specifying that 211 services must be comprehensive in nature, the Commission would ensure that callers receive full consideration of all their health and human service needs by calling 211. As the name implies, specialized I&R service is distinguishable from comprehensive I&R services in that specialized I&R focuses on a particular group or type of services, such as the elderly, children or people who have disabilities, or aids services. Requiring that 211 service providers deliver comprehensive information and referral services will also resolve concerns expressed by wireless Petitioners that there may be conflicting requests for 211 from specialized I&R providers. A specialized I&R might well provide 211 service, but it would need to demonstrate the capability and commitment to provide comprehensive I&R service when responding 211 calls.

4. 211 Calls Should Be Free to the Calling Party

SBC seeks clarification on what the FCC means by 211 “access...without additional charge to callers.” The 211 Collaborative has previously requested that the FCC require that a 211 call be free to the calling party. That is how community I&R has traditionally operated and is consistent with making this service as accessible as possible. Free 211 calls should also be the norm for payphones, upon which many individuals in need of 211 assistance depend. This concept means that callers could access 211 services simply by accessing a telephone with a dial tone.

5. The FCC Should Consider Extending or Suspending its Five Year Review of 211 for Delays Caused by Regulatory Oversight

Members of the 211 National Collaborative and I&R providers in California are acutely aware of the five-year window to make 211 a successful dialing code to access community I&R services. The Petitions for Reconsideration and Clarification filed with the FCC, as well as other proceedings that may be necessary, may cause significant delays in meeting the five-year window to demonstrate widespread success in deploying 211. As mentioned above, significant time and resources have been invested in the implementation of 211 across the United States with the goal of improving access to health and human services for people in need. Any delay that may cause the FCC to reconsider the national assignment of 211 to I&R providers seriously jeopardizes this investment and prejudices those parties that have worked in good faith to deploy 211. For this reason, the FCC should extend its five-year timeframe for review of its 211 assignment as a result of any delay caused by these or other related proceedings.

April 12, 2001

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Respectfully submitted,

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By: Susan Brown Campbell

PROOF OF SERVICE BY MAIL

I, Susan Brown Campbell, certify that the following is true and correct:

I am employed in the City of San Gabriel, California, am over the age of eighteen years, and am not a party to the within entitled cause.

My business address is 526 West Las Tunas Drive in the city of San Gabriel, California 91776.

On April 12, 2001, I served OPPOSITION OF THE CALIFORNIA ALLIANCE OF INFORMATION AND REFERRAL SERVICES AND INFO LINE OF LOS ANGELES TO PETITIONS FOR RECONSIDERATION AND CLARIFICATION by causing true copies thereof, enclosed in sealed envelopes with postage thereon fully prepaid, to be placed in the United States Post Office mail box at San Francisco, California, addressed to the following parties:

See the attached Service List

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for delivery by mail. Correspondence so collected and processed is deposited with the United States Postal Service on the same day in the ordinary course of business. On the above date, the said envelopes were collected for the United States Postal Service following ordinary business practices.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on April 12, 2001, at San Gabriel, California.

Susan Brown Campbell